
C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL SPECIAL MEETING DATE
FRIDAY, JULY 8, 1988, 7:00 A.M.

SUBJECT: HELICOPTER RIDES AS PART OF "DOWNTOWN DAYS", JULY 14, 15 and 16, 1988.

PREPARED BY: City Attorney

As part of the "Downtown Days" event scheduled for July 14, 15 and 16, 1988, it has been proposed that the City allow use of a municipal parking lot in the area for takeoffs and landing of helicopters providing rides to the public. At the meeting of July 6, 1988, the City Council directed the City Attorney's office to look into the proposal and to make recommendations. Because of the short response time involved, an in depth analysis is not possible. However, a few points deserve attention:

I spoke with Duane Ferguson, California Department of Transportation, Aeronautics Division on Thursday, July 7, 1988. Mr. Ferguson informed me that there are no restrictions placed on such operations other than a requirement that if the take off and landing site is located within 1000 linear feet of a school, whether public or private, the proposal must be inspected and approved by his office. Depending on which site was proposed for utilization as a take off and landing area, this might be a problem since the St. Anne's school (kindergarten through 8th grade) and the United Methodist preschool operations are both located within that 1000 foot radius of certain City lots. It is unknown how long it would take CALTRANS to respond, inspect and approve such a project, but it would probably be difficult to accomplish before the proposed event.

In addition, the liability aspect of the proposal causes me concern. It was stated that the helicopter service carries a \$1 million liability policy; however, any major accident involving one of the helicopters could easily generate liability far in excess of this figure. Since the service would be operating with the cooperation of the City and utilizing a municipal parking lot for landings and take offs, the City would probably be included in any lawsuit, and it is at least possible (although the probability is uncertain) that the City might be deemed liable.

In summary, I would recommend that the Council decline the proposal for the present and allow more time to reach an informed conclusion on the matter. It is possible that all concerns stated could be addressed prior to the second annual "Downtown Days" if desired.

Respectfully submitted,



BOB McNATT
City Attorney

BM: vc

CCHELIC/TXTA.01V